



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB736]

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; availability of a Proposed Evaluation and Pending Determination and a draft Environmental Assessment; request for comments.

SUMMARY: Notice is hereby given that the Hoopa Valley Tribe has provided a Tribal Resource Management Plan (TRMP) to NMFS pursuant to the limitation on take prohibitions for actions conducted under Tribal Plans promulgated under the Endangered Species Act (ESA). The TRMP specifies harvest, research, and monitoring activities for tribal fisheries affecting ESA-listed Southern Oregon/Northern California Coast coho salmon in the portion of the Trinity River within the Hoopa Valley Reservation. NMFS has prepared a Proposed Evaluation and Pending Determination (PEPD) as to whether implementation of the TRMP will appreciably reduce the likelihood of survival and recovery of ESA-listed salmon and steelhead and an Environmental Assessment (EA) on the NMFS determination. Notice is hereby given that the PEPD and EA are available for public review and comment prior to NMFS making a final determination.

DATES: Comments must be received at the appropriate address (see **ADDRESSES**) no later than 5 p.m. Pacific time on [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Comments received after this date may not be accepted.

ADDRESSES: Comments may be submitted by e-mail. The mailbox address for providing e-mail comments is: salmon.harvest.comments@noaa.gov. In the subject line

of the e-mail, include the following identifier: “Comments on Hoopa Tribal Fisheries Determination.” The documents available for public comment can be found at: <https://www.fisheries.noaa.gov/action/tribal-resource-management-plan-trmp-hoopa-valley-tribe>.

FOR FURTHER INFORMATION CONTACT: Anthony Siniscal at 971-322-8407, or via email: *Anthony.Siniscal@noaa.gov*.

SUPPLEMENTARY INFORMATION:

ESA Listed Species Covered in This Notice

Southern Oregon / Northern California Coast Coho salmon (*Oncorhynchus kisutch*): threatened, naturally produced, and artificially propagated.

Background

The proposed TRMP provides a framework through which Tribal salmon fisheries can be implemented while meeting requirements specified under the ESA. Activities described in the plan include fisheries for coho salmon in the Trinity River. The TRMP describes the proposed fisheries, limits for harvest, and monitoring and evaluation associated with the fisheries. The management objective is for the Tribe to conduct fisheries in a manner that does not appreciably reduce the likelihood of survival and recovery of ESA-listed coho salmon.

The Hoopa Valley Tribe submitted a TRMP for review under the ESA Tribal 4(d) Rule. Under section 4 of the ESA, the Secretary of Commerce (Secretary) is required to adopt such regulations as deemed necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (50 CFR 223.203; 65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and thus are exempted from the ESA Section 9 take prohibitions. The ESA Tribal 4(d) Rule (50 CFR 223.204; 65 FR 42481, July 10, 2000) states that the take prohibitions of ESA Section 9 will not

apply to Tribal Plans provided that the Secretary has determined that the Tribal Plan will not appreciably reduce the likelihood of survival and recovery for the listed species (50 CFR 223.204(a)). Prior to making a final determination on Tribal Plans, NMFS must take comments on its pending determination as to whether or not implementation of the plan will appreciably reduce the likelihood of survival and recovery of ESA-listed salmonids (50 CFR 223.204(b)(3)).

(Authority: 16 U.S.C. 1531 *et seq.*; 16 U.S.C. 742a *et seq.*)

Dated: February 17, 2022.

Ngagne Jafnar Gueye,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

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